

# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
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## LIBRARY VISITS FROM HELL

LAW LIBRARY

By Corina Stonebanks; BCL III

Right now I am sitting in the Faculty Computer Lab. I am not writing my paper on International Environmental Law. The reason I am not writing is because I have just spent many hours researching my topic at various McGill libraries. This, my esteemed friends and dear colleagues, proved to be a visit to Hell.

Oh, I should have known better. I once came to McGill as a visiting student during my undergrad days. As I recall, I developed a facial tick from the experience. Coming from the University of Ottawa, I was just a little perplexed at the layout of the libraries. "Why are there so many different little libraries?", I remember asking myself. "Why are there at

least three different ways of cataloguing all the books?", I wondered. "Why can't the floors follow the alphabet?", I queried. "Silly child", I responded to myself, "there is a logic which you will never know. Perhaps if you had studied Library Sciences, you would have seen the light, but you have not; so swelter in this infernal heat and keep plunking in change for your photocopies".

But things were going better this time. I was going to **Law School**, and was no longer an insignificant little Art Student. I was now one of several insignificant law students, who at least think themselves very important indeed. We'll have our own library. Ooooh. The Reference Librarians will smile, and greet me by name, I imagined. I could see myself seated in plush leather seats,

pouring over crisp, immaculate pages of legal text. After all, this was McGill Law. Things just don't get any better than this. Heck, if Queen's Med students had lazy-boys in their library, I figured jacuzzis were in order for the cream of the crop who finally made it to **McGill Law**.

But I digress. After all, there's more to a library than a pleasing surrounding in which to study and oh, say, breathe. There's research! Research, my friend. So what if it reached over 30 degrees in the library? or if it freezes your fingers so that you have start using your knuckles to turn the pages? Damn those Université de Montréal wimps, anyway: we're, why, we're legal Spartans, that's what we are. Come on, learned brethren, let's take off our clothes and study together.

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## LE LONG CHEMIN: DE LA PLANTATION AU PRIX NOBEL

By Danièle McKinnon et Hélène Piquet; BCL III

Voici pour ceux et celles qui n'étaient pas des 1 200 personnes qui ont eu la chance d'écouter Rigoberta Menchu parler à l'UQAM lundi le 9 novembre dernier.

Pour comprendre l'ampleur des accomplissements de cette Indienne Quiché de 33 ans, il faut comprendre la guerre civile qui ravage le Guatemala depuis 30 ans. Cette guerre oppose les Indiens de 23

nations, qui constituent 60% de la population, et l'armée des riches propriétaires agricoles. Plus de 100 000 personnes y sont mortes et 40 000 "disparues"; on estime que 250 000 personnes sont toujours réfugiées à la frontière mexicaine.

A 8 ans, Rigoberta Menchu travaillait dans les champs de coton. Elle allait perdre sa mère, son père et son frère à la lutte pour les droits des Indiens. Tandis

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# ANNOUNCEMENTS / ANNONCES

**COURSE CHANGE PERIOD** - for the second semester will now commence on December 1st, 1992 and not on January 4th, 1993 as announced in the Course Materials book distributed in June.

**MISPLACED** - Intellectual Property Casebook and Statute. I probably left them in class on November 10. If found please call Greg Moore at 278 - 2183

**REVUE DE DROIT DE MCGILL / THE MCGILL LAW JOURNAL** - second, third, and fourth year students may pick up their copies of Volume 37(3) and (4) from Sadie's.

**STUDENTS COMPLETING DEGREE REQUIREMENTS IN DECEMBER 1992** - please see Christine Gervais, SAO, as soon as possible to be certain your name appears on the list of potential graduating students for FEBRUARY 1993.

**MCGILL/INTERAMICUS HUMAN RIGHTS FORUM** - on Wednesday, November 25, 12:30

p.m. in the Moot Court, Madame Justice Beverley McLachlin of the Supreme Court of Canada will speak on "Combating the Misuse of Social Stereotypes: The Role of Human Rights Legislation and the Charter".

**THE SMOKING ROOM** - is available to all smokers. Therefore, smoking will not be tolerated in either of the entrances on the ground floor to the faculty.

**YEARBOOK PICTURES** - did you miss your Yearbook Class Photo? If so, you have a second chance at immortality on Wednesday November 25th at 12:15 on the Front Steps of OCDH where we will be taking a group photo of all you absentee-types. P.S. Yearbooks are on sale at Sadie's if you haven't gotten your copy yet.

## COIN DES / SPORTS / CORNER

Public Offenders  
What a battle! The medicine team who stepped all

over us last year had to fight its way through the red scales of justice last Tuesday.

The defence was kept busy all through the game and played splendidly to limit our loss to 4-1. Forward/scorer Mitch D. made us proud by assisting right-wing veteran Sophie P. for a surprise goal of NHL quality within the first minute of the game. A few dirty shots, trips and falls were ignored by the refs who were clearly not used to women's hockey of this calibre. Many players' performances to admire, especially the defence women who made their best effort to compensate for injured goalie Véronique M. (my stupid shoulder decided that the second period of our most exciting game was the best time to make me look like Mel Gibson!). Players are worried that someone else might find herself between the goal posts before the season's over but hope that next game shall prove them wrong. Fans should look out for the "Faculty Game" between professors and women hockey players sometime before Christmas.

## GREENSPACE: USED BOOK SALE

By Margaret Drent; BCL I

In the hopes of reducing the large amount of paper consumed in the Law Faculty, the Environmental Law Association is organizing a sale of used texts and casebooks at the LSA Bookstore in January. This effort will enable student to sell their texts at a price they choose as well as to enter their names in a lottery. In order to participate in this opportunity, students may drop off their used texts and casebooks at LAST COFFEEHOUSE OF THE TERM on Thursday, November 26,

1992. In addition, a box will be placed in SAO for this purpose. Include your name, phone number, and the price you want for your text inside every book you drop off. The environmental Law Association will charge a \$3 fee for each textbook sold, if your text does not sell in January, you may choose to have it returned to you or have it kept for the used book sale in September. Used casebooks will be donated (the \$3 charge will not apply) and sold for a nominal fee.

Half of the profits made by the used text

and casebook sale will go to CENTRAIDE; the other will be entered into a LOTTERY. The proceeds of this lottery will be awarded to a lucky text or casebook donor in time for Reading Week!!! The amount of money to be won will be directly determined by the volume of books donated and sold. We hope that everyone will take advantage of this opportunity to clear out their supply of unused texts and casebooks from previous years in order to make some money and, most importantly, to save paper.

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## Stonebanks

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McGill is substance, not fluff. Let's show them...

Alright, I'm in the right mind-set now. Off I go to the Library. To the periodical search! My mission is to find insight into the developing world's perspective on international environmental efforts. Uh-hmmmmmm, I'm looking ... no ... not that one ... ah! That looks like an interesting article. Let's just go over and see if we have that periodical. Hmm. Nope. Well, I guess it's some radical journal, some fly by night operation (I mean, I've never heard great things about the University of Southern Illinois anyway...). Woah! Check out this article: it's bang on! Do we have this periodical? Hmm. On the off chance that we don't have much on the environment, I'd better go check that before writing it down (oops! better take my wallet with me...). Dang! What a fluke! Two in a row. Well, now, how about this one: it's none of that flash-in-the-pan Green stuff, this is solid international ground. Inter-what? Gee, maybe I should write my paper from the "Quebec's-perspective-on-private-international-law" point of view; you know, something really important to the rest of the world.

I keep trying. I find a periodical that we actually carry. Harold points out that we have all but the one volume I need, however. But Harold is very helpful: maybe U of

M has it? Why, yes, it does. I imagine the call under different circumstances:

"Pardonnez-moi, mais est-ce que vous avez Uniquely Common Law Perspectives on the Quebec Civil Code: there's no reason to interpret it any differently that the law of the rest of the country? Qui? en trois copies? Ah, non, merci ...j'aurais pas besoin du limo-service. Mais, dites-moi, êtes vous situez dans le grand édifice phallique, ou où exactement...

I start talking to myself again: "Well, no; come on, now, ever the optimist, right? Maybe all this is just because there is a slight social sciences slant to your paper. Go on off to McLennan". "Groan! But I still have nightmares about that place!". "Now, now, Corina ... they even have photocopy debit cards now, don't they?". Well, you can't argue against that kind of rapid pace technology. Off I went.

Hey, the Reference Librarian was nice! Good start. Okay, off we go again to the Periodicals ... Whew! It took me an hour and a half, but I have a healthy list of possible sources. Well, Muse, do we have these? Huh? Oh, sorry, I must have typed that in wrong; let me try again. No, that's impossible. One more time.

Out of a dozen possible leads, I find four. Off I go to find them. Let's see GF900 is on the 3rd floor

of McLennan, DT1 is on the fourth (I start to feel a slight pulling from the corner of my eye as I realize the alphabet still doesn't correspond to the floors six years later), TD172 is on the second floor Redpath, and the Periodical Room is closed "because we have to go home sometime, you know". Sure, I'll be glad to come back at nine a.m.. thank you for your help. I'm now in the stacks. It amazes me how they choose people with the type of hand-writing that makes me wonder if I'm dyslexic when I try to read which call numbers correspond to which stack...

You can imagine the rest. I get lost in myriad labyrinths only to find that, out of four possible sources, two were periodicals that both had the same name that I was looking for, but weren't the ones I wanted, and one was lost or stolen (I guess it was pretty titillating issue of Africa Reporter). I walk out with one book. Can you spell Ibid.?

So, many hours later, I have done my research, and little to show for it. Here's my conclusion: either we get our fiercely proud McGill Alumni to put their money where their collective mouths , and we get the law firms to start putting back part of what they have taken out from our libraries, and we get the provincial government to finally provide us with some funding, too, or By God, we hold a Coffee House and raise money to buy lazy-boys for the library. I'm through being nice.



## A FAREWELL TO ALM\$

**By Joshua Fireman; BCL III**

Canadians should be thanking their lucky stars that they are fortunate to have a federal government that moonlights as an investment banker. That is because all tax-paying residents of this great country have, through the sagacity of their elected representatives, become participants in an investment decision that would scare the willies out of an American S&L board.

It is a truism that the capital markets allow for safe, high-yield investments the way Las Vegas casinos make millionaires out of paupers. Bearing this in mind, the Government of Canada has decided, while it is drowning in foreign-owned debt, to take the plunge into the great Canadian airline swamp.

All Canadians ought to feel concern over the going-ons in our domestic airline industry. Canadian Airlines alone is bleeding \$500 000 a day, while Air Canada, which just made the astute decision to purchase a bankrupt carrier in the world's most cutthroat market, is watching a mind-boggling \$1 400 000 a day slip down the drain. This situation doesn't bode well for airline customers or employees. But, in its infinite wisdom, the federal government, in conjunction with the cost-conscious provincial governments out West, appears to be on the verge of spreading the pain of Canadian Airline's slow death amongst all Canadians.

PWA, Canadian Airline's parent company, is in desperate need of a cash infusion. Its employees are willing to invest \$150 million in the company, to induce AMR Corp. (the parent of American Airlines) to throw \$246 million their way. But, all of this hinges on the federal government giving up to \$190 million in loan guarantees, with the provincial governments throwing in another \$100 million. Now, the term "loan guarantees" is a nice, euphemistic term. It

conjures up warm, fuzzy images of governments standing behind worthy businesses who are being denied credit by mean, old bankers, who wouldn't part with a nickel to finance their grandmothers' liver operation. The problem is that, in this case, the money-lenders may be right. After all, if you were making an investment decision, how seriously would you consider handing over your savings to an organization that, in the five minutes it may take to read this column, has just lost more than \$1 700?

The answer is that nobody in his or her right mind would ever invest in a company losing more money a day than most Canadians could ever hope to earn in the space of an entire year. But, the difference between government and individuals is that individuals decide how to spend their money based on cold, hard facts. They worry about putting food on the table and paying for basic amenities like heating and electricity. People who have to face life's realities on a daily basis tend not to throw away their money on hopeless ventures.

Governments, though, operate on an entirely different principle. They must always be concerned with something called the "national interest". Loosely defined, this means a government is always justified in abusing its power to spend public funds, if the end result will be the purchase of a majority of votes in a marginal constituency.

The government is not really concerned about saving the jobs of Canadian Airlines employees. The fact is, that if the AMR investment occurs, PWA will still have to slash thousands more jobs in an effort to control its costs and to make up for duplication of services between itself and American Airlines. If the government's true concern was the well-being of the employees in the airline industry, it could invest its \$190 million in retraining programmes to direct the

unemployed toward the economy's growing high-tech and service sectors.

Nor is the promotion of competition first and foremost on the government's mind. The fact of the matter is that smaller, domestic companies like NationAir are already moving in to fill the gap left by the big carriers, who are carrying on battles over the real cash-cows of the airline industry, the ownership of foreign routes. Facilitating the AMR-PWA deal would leave Canadian and Air Canada battling it out for international, and not domestic, travel.

The only reason for throwing taxpayers' money into what will, almost inevitable, be a losing deal, is for the government to attempt to regain some of its political credibility out West. It is still suffering from the decision to award the CF-18 contract to Canadair over Manitoba-based but foreign-owned Bristol. The Reform Party is battering the federal Tories in the Land To The Left Of Ontario, and the PCs cannot afford to be seen as having once again left the West to swing in the wind.

So, in order to bolster the flagging fortunes of the federal government, all Canadian taxpayers are going to be treated to the sight of their hard earned money slipping first through their fingers, then through the normally sticky fingers of the tax department, and finally right into the coffers of PWA's creditors, in order to stave off an inevitable business failure. All of this in the name of the national interest, of course.

Why, then, did this column start off by characterising us as lucky Canadians. It is really quite simple. We are lucky that we only stand to lose \$190 million in this deal. This pales in comparison to the \$4.4 billion in assurances being given by the CDIC in the Central Guarantee Trust deal, the Algoma Steel bailout, and the bottomless pit at Hibernia.



## A REAL COMPROMISE

By Jody Whyte ; LLB III

In the November 9 issue of the Quid, Joshua Fireman expressed a concern for the future of Canada which I share. His solution - that we put aside our personal agendas to find consensus - is also one that I share. Where Mr. Fireman and I part company is in defining who it is that must put their agendas aside.

First, Mr. Fireman thinks that the "tribalism" of British Columbia and of Alberta is no more than regional self-interest. I think it is only fair to ask why the tribalism of central Canada should be given more legitimacy than that of other regions.

Historically Canadian policy was made with an eye to building a strong economic base and an east to west link. This was thought to be necessary to the building of the nation over such a vast geographic area. Both the east and the west of this country tolerated these policies because they too saw the logic.

Our central government was only too willing to do away with the few policies that favoured the extremities of this country (the Crow's Nest Past being a case in point) when this would favour the central provinces or when the policies

were simply outdated. We must now re-think how we govern in light of our changing realities and our many outdated policies.

"Then" says Mr. Fireman "come the interest groups". Perhaps NAC did not speak for all the women of Canada (a "narrow constituency" of 52% of the population) but for the last 125 years the laws of this country have served white, able-bodied, primarily English speaking men. If that is not a narrow constituency I don't know what it is. Let's make a deal. Women will control the laws, economics, family policy, and foreign policy for the next 125 years and then we will put our narrow self-interest aside and compromise.

Finally the idea that aboriginal people should come to some sort of consensus and then give us a call demonstrates that Canadians haven't yet cottoned on to what Aboriginal people are saying. First, the point of referring to the Aboriginal peoples of Canada as First Nations is a way of recognizing that they are not a homogeneous mass. They are nations and Canada traditionally deals with nations individually.

Secondly, we invented the band system and the idea that a central authority should speak for the Aboriginal peoples.

The AFN and its predecessor the NIB exist because the federal government thought that a nice central organization would control the nations and undermine the very notion of nationhood. Assimilation through any means was the policy of our government at the time.

When John Munro was minister of Indian and Northern Affairs he walked away from the negotiation table in the Northwest Territories saying he would not return until there was a single secretariat to negotiate land claims. The nations formed a secretariat despite their different interests and needs. Not surprisingly no agreement could be reached which could possibly satisfy all of the nations for they had different legal status, overlapping land claims and varying treaties (a fact the government was counting on). The secretariat broke down and the Canadian government was forced to return to nation to nation negotiations. For the most part these are working.

We can ask people to compromise only after we have recognized that their interests are as legitimate as ours. The compromise must come from both sides. Otherwise we are not compromising and reaching a consensus at all, we are manipulating, threatening and hoping that the hostage will eventually feel sympathy and affection for his captors.

Non Sequitur

By Wiley

WORD ORIGIN...





## McKinnon & Piquet cont'd from p. 1

que ses deux soeurs se sont jointes au mouvement des guerillas, Rigoberta a tenté de promouvoir une solution pacifique au conflit. Cependant, aux yeux du gouvernement militaire, elle était liée au mouvement guerilla, et elle a dû fuir le Guatemala en 1981. Depuis, elle n'y est retournée que 6 fois, toujours accompagnée de dignitaires. Elle annonce maintenant avec détermination et espoir qu'elle sera bientôt de retour à Chimel, son village natal, pour y continuer la lutte de sa vie.

Il y a dans la vie des moments magiques. Assister à un discours de Rigoberta Menchu, prix Nobel de la Paix 1992, en est un.

Il est difficile, voire impossible de rendre la richesse et la poésie de ses propos. Rigoberta apporte un message d'espoir, pour tous ceux et celles qui croient en l'universalité des droits de la personne. L'existence même de Rigoberta, qui a

survécu au massacre de sa famille par les autorités guatémaltèques, marque un triomphe contre toutes les dictatures du monde. Elle donne une belle leçon de vie, cette femme qui n'a pas eu d'enfance et a perdu des êtres chers. Elle parle des 10 années écoulées avec une sérénité impressionnante. "Ces années", dit-elle "ont marquées par des souffrances autres que les miennes, et plus grandes encore. Elles m'ont enseigné que la lutte pour promouvoir le respect des droits de la personne dans le monde est une lutte collective. Il incombe à chacun de nous de faire tomber les murs, dont le plus dur à vaincre est celui du silence".

Elle prône l'universalité des droits de la personne dans un esprit de tolérance. En cette fin de siècle où une partie de l'humanité ne jure que par le progrès scientifique et technologique, il faut reconnaître ce que peuvent apporter à l'humanité les autres cultures, dont la culture autochtone. Cette dernière est autre chose que du folklore, et il doit en aller de même pour l'Année internationale des autochtones. Elle dit: "C'est beau

d'admirer nos danses et nos chants, mais qu'on nous reconnaisse d'abord à chacun de nous, Amérindiens, le statut d'être humain né libre, et égal aux autres. La culture amérindienne est riche d'enseignements, qui ne se trouvent pas dans les livres. Elle est prête à les partager avec le reste de l'humanité, mais il faut, pour cela, que les Amérindiens puissent vivre au lieu d'essayer de survivre".

Le combat de Rigoberta prend pour point de départ la culture amérindienne, mais il s'étend bien au-delà. Il faut arrêter de tuer les enfants des rues, et s'attaquer aux causes de la misère, du racisme et de la guerre dans le monde. Tel est le sens du prix Nobel. Il ne s'agit pas d'un cadeau, mais d'une marque de reconnaissance de sa lutte constante. "Pour en être digne", dit-elle, "il faut continuer à lutter pour que la pluralité des cultures soit reconnue et se traduise dans les institutions politiques et juridiques". Rigoberta est un antidote contre le désespoir et le cynisme. Puisse son exemple inspirer d'autres bonnes volontés à travers le monde.

## ENCOUNTERS ON HUMAN RIGHTS

The Honourable Beverly McLachlin, Justice of the Supreme Court of Canada, will be the next guest speaker in this year's McGill/InterAmicus Human Rights Forum whose general title is "Encounters on Human Rights".

Madame Justice McLachlin will be speaking in the Moot Court

Room on **Wednesday, November 25th, 12:30 - 14:00**, on the topic "Combatting the Misuse of Social Stereotypes: The Role of Human Rights Legislation and the Charter."

Justice McLachlin, a former Law Professor at the University of British Columbia Law School, has emerged as a major theorist on the

court, and wrote the landmark judgment in the Andrews case.

As usual, the format for these Human Rights Forums will involve an initial presentation by the speaker for about 20-30 minutes, followed by a 45 minute discussion of "Encounter" session.